31 JAN 1939
MADRAS LEGISLATURE

# THE MADRAS LEGISLATIVE COUNCIL

**Tuesday, the 13th December 1938**

The House met in the Council Chamber, Fort St. George, at eleven of the clock, with the President (THE HON. DR. U. RAMA RAO) in the Chair.

## I.—QUESTIONS AND ANSWERS.

## STARRED QUESTIONS

*Election of a panel for the appointment of Public Prosecutor and objection, if any, to the procedure under the recent orders of the Government.*

* 72. *Q.*—SRI RAO BAHADUR M. RAMAKRISHNA REDDI: Will the Hon. the Minister for Courts and Prisons be pleased to state—

(*a*) the number of instances of election of a panel of four members for appointment as Public Prosecutor since the coming into force of Memorandum No. 1338-F-1, Home, dated 15th February 1938, the number of instances in which the Government made their selection from the panel and the number in which the Government did not make any selection;

(*b*) whether any objections were received in any of the above instances from any member or members of the bar to the choice by the Government from the panel so elected, the grounds on which the objections, if any, were based, the action if any taken by the Government on the objections and the reasons therefor;

(*c*) whether it is a fact that there is a wide protest raised against the practice of election of panel according to the memorandum quoted above; and

(*d*) whether the Government have consulted the District Magistrates or the District Judges about the working of the memorandum in view of the above protest; if so, the result of such consultation?

THE HON. SRI S. RAMANATHAN (Minister for Public Information) on behalf of the Hon. Sri K. Raman Menon:—

" (*a*) The total number of panels selected was twelve; out of this number, appointments were not made from the panel in four instances. In the other cases appointments were made from the panel.

" (*b*) The answer is in the negative.

" (*c*) Some protests were received.

" (*d*) The answer is in the negative. The panel system has since been cancelled."

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Sri Rao Bahadur M. RAMAKRISHNA REDDI :—" In reply to clause (*a*) the Government have stated that appointments were not made from the panel in four instances. May I know the reasons why the appointments were not made from the panel in these four instances? "

The Hon. Sri S. RAMANATHAN :—" The panels are in the nature of recommendations to the Government and appointments in these four instances were made in exercise of the discretion vested in the Government."

Sri B. NARAYANASWAMI NAYUDU :—" Clause (*c*) of the question asks for information as to whether wide protests were received and the answer says that some protests were received. May I know whether the protests were wide? "

The Hon. Sri S. RAMANATHAN :—" The protests merely related to procedure."

Sri B. NARAYANASWAMI NAYUDU :—" The question is with regard to the extent of the protests, whether they were narrow or wide? "

The Hon. Sri S. RAMANATHAN :—" It is a matter of opinion, Sir."

Mr. S. J. GONSALVES :—" May I know the reasons why the panel system has been discontinued? "

The Hon. Sri S. RAMANATHAN :—" Because it has been found to be a failure."

*Election of a panel for the appointment of Public Prosecutor in Chittoor.*

* 73. *Q.*—Sri Rao Bahadur M. RAMAKRISHNA REDDI : Will the Hon. the Minister for Courts and Prisons be pleased to state—

(*a*) whether the Government have any information about the election of a panel of four members of the legal profession under Memorandum No. 1338-F-1, Home, dated 15th February 1938, at a meeting held on 31st July 1938 at Chittoor;

(*b*) whether such a meeting was convened at the instance of the District Judge as required by the memorandum quoted above;

(*c*) if not, what action the Government propose to take in the matter;

(*d*) whether the Government are aware of other instances in which the election of a panel was made at meetings not convened by the District Judge; if so, the action taken by the Government in those instances; and

(*e*) the number of Public Prosecutors appointed after the coming into force of the memorandum, the community and political party to which the person so appointed belonged in each case?